

In view of the following remarks, Applicants respectfully request that the Examiner withdraw the rejection and objection and allow the currently pending claims.

Issues Under 35 U.S.C. § 132

The Office Action states the objection of the insertion for pages 18 and 20 (by Applicants in their Amendment under 37 C.F.R. § 1.111, filed on April 4, 2002) will be maintained because the typographical error cannot be determined (at page 2 of the Office Action). These errors are typographical in nature because the original numbers were improperly translated. Applicants respectfully submit that no new matter is being added.

Issues Under 35 U.S.C. § 103(a)

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yong et al. (U.S. Patent 4,381,315; hereinafter Yong '315). Applicants respectfully traverse.

Applicants maintain their position that the present invention is patentably distinct from the cited Yong '315 reference for the same reasons set forth in their previous responses (dated October 25, 2001, and April 4, 2002). For example, the refrigerated dough of Yong '315 is structurally and chemically different from the present invention. As further support for their position, Applicants herein

submit a Declaration under 37 C.F.R. § 1.132 (by co-inventor Mr. Toshiaki Furuhashi) displaying chemical and structural differences between the present invention and the product of Yong '315. The Rule 132 Declaration also demonstrates the existence of unexpected results for the present invention.

Applicants respectfully refer the Examiner to the five Tables (depicting chemical and structural differences between the tested dough) and Item 11. at page 12 of the Declaration (Item 11. explains the significance of the experimental results). As can be seen, the present invention, when compared to the reference dough of Yong '315, has unexpectedly achieved better taste and appearance of the pie crust, even when baking the frozen pie dough at a higher temperature for a shorter period of time. The photographs are a visual aid in confirming the better appearance, if not better taste, of the present invention in these experiments.

Thus, Applicants respectfully submit that the submitted Rule 132 Declaration is factual evidence of the differences between the present invention and the disclosure of Yong '315, as well as factual evidence of unexpected results. Accordingly, Applicants respectfully request the Examiner to reconsider and to withdraw this rejection and allow the currently pending claims.

A full and complete response has been made to the Office Action. The Examiner is respectfully requested to pass the application to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. § 1.17 and 1.136(a), Applicants respectfully petition for a two (2) month extension of time for filing a response in connection with the present application. The required fee of \$400.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

g
GMM/ETP
0649-0774P

By Gerald M. Murphy, Jr. #32868
for
Reg. No. 28,977

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments:

Declaration under 37 C.F.R. § 1.132
Extension Fee